

Remarks/Arguments

Reconsideration of this application, as amended, is respectfully requested.

Paragraph [0002] of the specification has been amended to correct an erroneous patent number appearing in line 4.

Claims 1-8 remain in this application.

Claims 1, 4 and 7 are under a rejection based on 35 U.S.C. 102(b) as being anticipated by Nahar (US 5,143,164). As now presented, base claim 1 is thought to contain subject matter not anticipated by Nahar.

Specifically, among other structure, each of base claims 1 and 7 have each been amended to require that the weight measurement device be located at a **fixed** location in the machine and for the load to be moved to **pre-selected** first and second locations in the machine where weight measurements are taken.

Nahar discloses a weighing apparatus for use at a grocery counter, the apparatus including a scale 22 mounted within a counter top for **movement relative to the counter top**. In Nahar, the goods 114 (FIG. 4) to be weighed are not placed in pre-selected positions, but rather are **randomly** placed, and the invention of Nahar is directed to correcting weight inaccuracies which result from this random placement. In doing this, the goods 114 remain at a first location where they are weighed an initial time and then again after the **scale 22 has been moved** relative to the goods. If the two results from weighing the goods twice somehow indicate that the goods should be repositioned in order to be completely located on the scale, the operator will so reposition the goods.

For the reasons stated above, base claims 1 and 7 are thought allowable since Nahar does not disclose placing the scale 22 in a **fixed** location, nor does Nahar disclose placing the load at first and second **pre-selected** locations for weighing, with the results being used to yield an accurate weight of the load.

Claim 4 depends from claim 1 and is likewise thought allowable.

Claim 2 is under a rejection based on 35 U.S.C. 103(a) as being unpatentable over Nahar (US 5,143,164) in view of Vitunic et al. (US 4,909,338), with Vitunic et al. being cited for its teaching that a scale can be calibrated by using results obtained by placing loads of known weights on the scale at various locations.

Claim 2 depends from claim 1 and is thought allowable for the same reasons stated above in the discussion of the rejection based on Nahar alone since Vitunic et al. does not overcome the noted deficiencies of Nahar.

The Examiner considers claims 3, 5, 6 and 8 to contain allowable subject matter. Since claims 3, 5 and 6 depend either directly or indirectly from claim 1, which is thought allowable, and claim 8 depends from claim 7, which is thought allowable, these claims are too thought to be allowable.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525. Two duplicates of this page are enclosed.

Respectfully,



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